

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
SUMIT GARG,  
  
Defendant.

CASE NO. CR21-0045-JCC  
  
ORDER

This matter comes before the Court on the Government's unopposed Motion to Continue Trial (Dkt. No. 479) and Defendant's unopposed motion to extend the expert disclosure deadline (Dkt. No. 492). Having thoroughly considered the motions and the relevant record, the Court GRANTS both motions for the reasons explained below.

Trial in this matter is currently set for August 28, 2023. (Dkt. No. 456.) The Government now moves to continue trial, citing scheduling conflicts for trial counsel and various witnesses. (Dkt. No. 479 at 2–3.) Defendant does not oppose the request.<sup>1</sup> (Dkt. No. 503.) Additionally, Defendant asks the Court to extend the expert disclosure deadline because he has yet to hire a computer expert. (Dkt. No. 492.) The Government does not oppose the request. (Dkt. No. 510.)

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<sup>1</sup> Defendant previously asked the Court to extend the trial to October. (Dkt. No. 330 at 1.)

1 Based on the foregoing, the Court FINDS as follows:

2 1. Taking into account the exercise of due diligence, a failure to grant a continuance  
3 in this case would deny Defendant time necessary for effective preparation due to his need for  
4 more time to review discovery and prepare for trial, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

5 2. Failure to grant a continuance would likely result in the miscarriage of justice, as  
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

7 3. The additional time requested is a reasonable period of delay, as Defendant  
8 requested more time to prepare for trial, review discovery, and consider possible defenses;

9 4. The ends of justice will best be served by a continuance, and the ends of justice  
10 outweigh the best interests of the public and Defendants in any speedier trial, as set forth in 18  
11 U.S.C. § 3161(h)(7)(A); and

12 6. The additional time requested between the current trial date of August 28, 2023,  
13 and the new trial date is necessary to provide Defendant reasonable time to prepare for trial  
14 considering the facts set forth above.

15 Accordingly, the Government's Motion (Dkt. No. 479) is GRANTED. It is therefore  
16 ORDERED that the trial date be CONTINUED from August 28, 2023 to October 2, 2023, and  
17 that the time between the filing of this motion to continue and the new trial date is excludable  
18 time under the Speedy Trial Act, as provided in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i),  
19 and 3161(h)(7)(B)(iv). This order does not extend the deadline for filing pretrial motions, which  
20 already passed.

21 Additionally, the Court finding good cause, GRANTS Defendant's motion to extend the  
22 deadline for expert disclosures (Dkt. No. 492). The previous expert testimony deadlines are  
23 VACATED. Expert testimony for both parties is due by July 21, 2023. Expert rebuttal testimony  
24 for both parties is due by August 18, 2023.

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1 DATED this 2nd day of May 2023.

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5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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